

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Chad Rink on March 10, 2010.

The application has been amended as follows:

2. **Claim 2** and **claims 9-14** are canceled.
3. **Claim 1** is rewritten as:

- - A guest-host polarizer comprising an oriented polymer film including an oriented polymerized liquid crystal host and a dichroic light-absorbing guest dispersed and oriented in the host, the oriented polymer film having a dichroic ratio of about 15 or more; wherein the orientation of the oriented polymer film is or corresponds to the orientation of a smectic phase S_x wherein the smectic phase S_x is not smectic A phase or smectic C phase , and wherein the oriented polymerized liquid crystal host is obtained by polymerizing an oriented polymerizable liquid crystal. - -

4. **Claim 15** is rewritten as:

- - A method of manufacturing a guest-host polarizer comprising an oriented polymer film including an oriented polymerized liquid crystal host and a dichroic light-absorbing guest dispersed and oriented in the host, the oriented polymer film having a dichroic ratio of about 15 or more, the method comprising:

- providing a thin film of a polymerizable liquid crystal host and, dispersed therein, a dichroic light-absorbing guest;

- orienting the polymerizable liquid crystal host and the dichroic light-absorbing guest to obtain an oriented thin film of oriented polymerizable liquid crystal host and a dichroic light-absorbing guest dispersed and oriented in the host, the oriented thin film having a dichroic ratio of about 15 or more;

- polymerizing the polymerizable liquid crystal host in the oriented state to obtain an oriented polymer film including an oriented polymerized liquid crystal host and a dichroic light-absorbing guest dispersed and oriented in the host, the oriented polymer film having a dichroic ratio of about 15 or more, and the orientation of the oriented polymer film is or corresponds to the orientation of a smectic phase S_x wherein the smectic phase S_x is not smectic A phase or smectic C phase. - -.

5. On **Page 1** of the Specification, the continuity data:

- - This application is a 371 of PCT/IB04/52257 filed 11/02/2004. - -

is inserted as **new Line 1** below the title of "Dichroic guest-host polarizer comprising an oriented polymer film".

6. On **Page 1** of the Specification, the header:

- - Summary of the Invention - -

is inserted as **new Line 2** above the first line "The invention relates to a dichroic guest-host polarizer comprising an oriented - -".

7. On **Page 9** of the Specification, the header:

- - Brief Description of Drawings - -

is inserted as **Line 24** above Line 25 of "In the drawings:".

8. On **Page 10** of the Specification, the header:

- - Detailed Description of the Invention - -

is inserted as **Line 14** above Line 15 of "Fig. 1 shows, schematically, a cross-sectional view of a dichroic guest-host".

PARTIAL REJOINDER

9. Claims 1, 4-5 are directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(B), claim 15, directed to the process of making or using an allowable product, previously withdrawn from consideration as a result of a restriction requirement, is hereby rejoined and fully examined for patentability under 37 CFR 1.104.

10. Furthermore, since claims 1, 4-5 are allowable, the restriction requirement between Group I, claims 1, 4-5, and Group II, claims 6-8, as set forth in the Office action mailed on October 28, 2008, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** As such, claims 6-8, directed to a liquid crystal cell, are no longer withdrawn from consideration because the claims require all the limitations of an allowable claim.

In view of the above noted withdrawal of the restriction requirement for claims 6-8, Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

11. Claims 9-14 do not share the special technical features of the allowable product claims. Accordingly, they are not in condition to be rejoined, as the restriction requirement between Group I, claims 1, 4-5, and Group II, claims 9-14, as set forth in the Office action mailed on October 28, 2008, is still applicable. Thus, they are hereby canceled.

REASONS FOR ALLOWANCE

12. The following is an examiner's statement of reasons for allowance.

The closest cited prior art of record, US 5,024,850, fails to fairly teach or suggest, even in view of US 5,751,389, the guest-host polarizer recited above. See Examples 1 to 4, with Example 1 being a comparative example in Applicant's specification (pages 20-30).

EP 0806697, which is an "X" reference in the international search report for PCT/IB04/52257, only teaches an optically anisotropic film comprising a dye that has a dichroic ratio of between 3 and 30. The "X" references in the international search report for EP 09172409: "The synthesis of liquid-crystalline diacrylates derived from cyclohexane units", "The synthesis of chiral stilbene diacrylates", EP 0346911, EP 0739884, WO 03/006574 and US 5,041,602, all fail to teach a guest-host polarizer, or a method of making a guest-host polarizer; and fail to recognize the importance of conducting a polymerization of a polymerizable liquid crystal host of a guest-host polarizer to form the guest-host polarizer when the polymerizable liquid crystal host is in a smectic X phase that is not smectic A or smectic C.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication should be directed to Sow-Fun Hon whose telephone number (571)272-1492. The examiner can normally be reached Monday to Friday from 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Sample, can be reached on (571)272-1376. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Sophie Hon

Sow-Fun Hon
Examiner, Art Unit 1794